

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

FILED
OCT 05 2016
Clerk, U.S. District Court
District Of Montana
Missoula

THOMAS EMIL SLIWINSKI,

Plaintiff,

vs.

MIKE MURRY, SUSAN GOOD-
GEISE, ANDY HUNTHAUSEN, LEO
BUTTON, SCOTT FURGERSON, and
LEWIS and CLARK COUNTY
DETENTION CENTER,

Defendants.

CV 16-64-H-DLC-JTJ

ORDER

United States Magistrate Judge John T. Johnston entered an order and findings and recommendations in this case on August 4, 2015, granting Plaintiff Thomas Emil Sliwinski's ("Sliwinski") motion to proceed in forma pauperis, but recommending dismissal of Defendants Mike Murry, Susan Good-Geise, Andy Hunthausen, Leo Button, Scott Furgerson, and Lewis and Clark County Detention Center due to Sliwinski's failure to make any allegations against them. Sliwinski did not object to the order or to the findings and recommendations, and so waived the right to a de novo review of the record. 28 U.S.C. § 636(b)(1)(C). This Court reviews for clear error those findings and recommendations to which no party

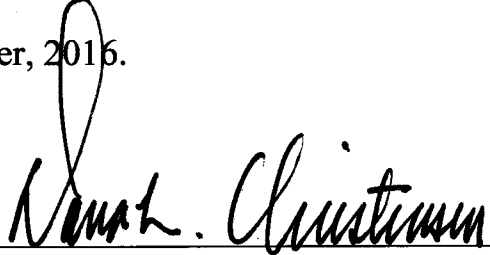
objects. *See McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981); *Thomas v. Arn*, 474 U.S. 140, 149 (1985). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000) (citations omitted).

Having reviewed the findings and recommendations, the Court finds no clear error in Judge Johnston’s conclusions regarding Sliwinski’s pleading against the above defendants.

Accordingly, IT IS ORDERED that Judge Johnston’s Findings and Recommendations (Doc. 3) are ADOPTED IN FULL. Mike Murry, Susan Good-Geise, Andy Hunthausen, Leo Button, Scott Furgerson, and Lewis and Clark County Detention Center are DISMISSED from this case.

IT IS FURTHER ORDERED that Sliwinski’s claims brought under Titles I, III, and IV of the ADA fail to state claims upon which relief may be granted and are DISMISSED.

DATED this 5th day of October, 2016.



Dana L. Christensen, Chief Judge
United States District Court